

**IN THE DISTRICT COURT OF THE VIRGIN ISLANDS  
DIVISION OF SAINT CROIX**

CONSTANCE ALEXANDER,  
PETULA ALEXANDER,  
and DINORAH WILLIAMS,

Plaintiffs,

-V-

STEADFAST INSURANCE COMPANY  
(STEADFAST), CLARENDON AMERICAN  
INSURANCE COMPANY (CLARENDON),  
DEEP ) JURY TRIAL DEMANDED  
SOUTH SURPLUS OF TEXAS, L.P.,  
and CRC SCU f/k/a  
CRUMP INS. SERVICES,

Defendants.

CASE NO: 1:20-cv-0038

## ACTION FOR DECLARATORY JUDGMENT AND DAMAGES

## JURY TRIAL DEMANDED

## STEADFAST INSURANCE COMPANY'S NOTICE OF INTENT TO SERVE DISPOSITIVE MOTIONS

Defendant **STEADFAST INSURANCE COMPANY** (“Defendant”), by and through undersigned counsel, provides to this Court and all parties the *Notice of Intent to Serve Dispositive Motions* and shows in pertinent part as follows:

After this matter was removed from the Virgin Islands Superior Court to federal court, Defendant CRC SCU (CRC) filed a Motion to Dismiss or Transfer Venue on Jurisdictional Grounds on or about August 26, 2020. [Dkt. No. 3]. Plaintiffs opposed this motion and requested the Court allow discovery limited to the jurisdictional issue to be conducted. [Dkt. No. 17]. CRC's motion was denied without prejudice and the ability to conduct jurisdictional discovery was granted on or about September 27, 2021. [Dkt. No. 23].

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The parties then participated in discovery limited to the jurisdictional issues raised by CRC. After this limited discovery was conducted, CRC filed a Second Motion to Dismiss or Transfer Venue on the same jurisdictional grounds. [Dkt. Nos. 55, 56]. Plaintiff opposed. On or about November 29, 2022, CRC filed a Motion to Stay Discovery Pending Adjudication of its Motion to Dismiss or Transfer. [Dkt. Nos. 87, 88]. The Plaintiffs opposed this motion [Dkt. No. 89] and Defendant Steadfast joined CRC's motion. [Dkt. No. 93]. On February 28, 2023, Magistrate Judge Emile A. Henderson, III issued a Report and Recommendation that CRC's Motion to Dismiss be granted. [Dkt. No. 96]. Judge Henderson then issued an Order granting CRC's Motion to Stay Discovery pending the District Court's final adjudication of CRC's Motion to Dismiss or Transfer. [Dkt. No. 97].

Paragraph 2(f) of the current scheduling order in place provides that "[a]ny dispositive motions, including *Daubert* motions, shall be filed on or before March 21, 2023...If no dispositive motions will be filed in the case, the parties shall file, no later than March 15, 2023, a joint notice stating that the parties have not filed and do not intend to file any dispositive motions. [Dkt. No. 67]. To date, the parties have not had an opportunity to fully conduct factual discovery in this matter. Such opportunity is necessary for Defendant Steadfast to obtain the evidence it believes to exist regarding its defenses in this matter and to adequately support the dispositive motion it intends to file. Furthermore, no experts have been identified by the parties such that a position on *Daubert* motions can be made.

Defendant Steadfast herein provides notice of its intent to file dispositive motions at the close of discovery of this matter and in accordance with the Virgin Islands Rules of Civil Procedure.

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Respectfully submitted,

DATED: March 14, 2023

/s/ Justin T. Crocker

**JUSTIN T. CROCKER, ESQUIRE**

Law Office of W. Mark Wilczynski, P.C.

*Attorney for Defendant:*

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V.I. Bar No. R2091

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that on this date, 14<sup>th</sup> of March 2023, I electronically filed the foregoing: **STEADFAST'S NOTICE OF INTENT TO SERVE DISPOSITIVE MOTIONS**, with the Clerk of the Court using the CM/ECF System, which will send notification of such file (NEF) to all parties of record. In addition, I caused a copy of the filing to be served upon the following parties by U.S. Mail and electronic mail:

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/s/ Sanyale Jones